

WINDELS MARX LANE & MITTENDORF, LLP

156 West 56th Street
New York, New York 10019
Tel: (212) 237-1000
Howard L. Simon
Kim M. Longo

*Special Counsel to Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE GETTINGER FOUNDATION,

Defendant.

Adv. Pro. No. 10-04386 (SMB)

**STIPULATION AND ORDER EXTENDING TIME TO SELECT A
MEDIATOR**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the substantively consolidated estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), individually, by and through his special counsel, Windels Marx Lane & Mittendorf, LLP, and the Gettinger Foundation (the “Defendant”), by and through its counsel, Akerman LLP (collectively, the “Parties”), represent as follows:

WHEREAS, on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “LPO”) [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]; and

WHEREAS, the Trustee commenced this action (the “Adversary Proceeding”) by filing a complaint on November 30, 2010 [Dkt. No. 1]; and

WHEREAS, pursuant to the Notice of Applicability filed by the Trustee in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the LPO and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter; and

WHEREAS, on April 17, 2014, the Defendants filed a motion to dismiss in this Adversary Proceeding [Dkt. No. 31]; and

WHEREAS, on April 29, 2014, the Trustee filed a Notice of Mediation Referral in this Adversary Proceeding [Dkt. No. 34];

WHEREAS, under the Avoidance Procedures, “[w]ithin 14 calendar days after the filing of the Notice of Mediation Referral, the Trustee and [Defendant] shall choose a mediator” (the “Mediator Selection Period”) in accordance with General Order M-390, “which is available on

the Bankruptcy Court's website: (www.nysb.uscourts.gov)"; and

WHEREAS, the Parties have agreed to extend the Mediator Selection Period in this Adversary Proceeding, which would otherwise end on May 13, 2014;

NOW, THEREFORE, the Parties stipulate and agree to, and the Court **ORDERS**, the following:

1. The Mediator Selection Period is hereby extended to May 20, 2014, or 7 calendar days after May 13, 2014.

Dated: New York, New York
May 13, 2014

By: /s/ Howard L. Simon
Howard L. Simon, Esq. (hsimon@windelsmarx.com)
Kim M. Longo, Esq. (klongo@windelsmarx.com)
Windels Marx Lane & Mittendorf, LLP
156 West 56th Street
New York, New York 10019
Telephone: (212) 237-1000
Facsimile: (212) 262-1215

*Special Counsel for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: Fort Lauderdale, FL
May 13, 2014

By: /s/ Michael I. Goldberg
Michael I. Goldberg, Esq.
(michael.goldberg@akerman.com)
Akerman LLP
Las Olas Centre II, Suite 1600
350 East Las Olas Boulevard
Fort Lauderdale, FL 33301

Attorneys for Defendant

SO ORDERED ON May 13th, 2014 :

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE